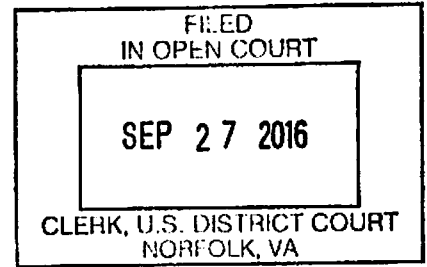


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Norfolk Division



UNITED STATES OF AMERICA

v.

BREON BERRY,

Defendant.

CRIMINAL NO. 2:16cr94

STATEMENT OF FACTS

The parties stipulate that the allegations in Count One of the pending indictment, and the following facts are true and correct, and that had the matter gone to trial, the United States would have proven them beyond a reasonable doubt.

From in or about February, 2016 through in or about April, 2016, the defendant, BREON BERRY, along with Brice Keeling, Kendrick Perry and Corey Holmes and others did conspire and agree with one another to interfere with commerce by means of robbery. The co-conspirators agreed to rob the following four commercial establishments:

On or about February 9, 2016, the co-conspirators agreed to rob an AT&T store located on Jefferson Avenue, Newport News, Virginia. Brice Keeling and Corey Holmes entered the store wearing masks and brandished what appeared to be firearms at the employees. They demanded money and access to the unsold electronic devices to include cellphones and pads. They made the employees get down on the floor and zip tied their hands and feet. They then took the employees personal phones and some form of identification. They then told the employees that they now know where the employees live. They took approximately \$102,000.00 worth of electronic devices and approximately \$3,432.00 in U.S. Currency and fled the establishment to a

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waiting vehicle driven by Breon Berry.

On or about February 25, 2016, the co-conspirators agreed to rob an AT&T store located on Virginia Beach Boulevard, Virginia Beach, Virginia. Brice Keeling and Kendrick Perry entered the store wearing masks and brandished what appeared to be firearms at the employees. They demanded access to the unsold electronic devices to include cellphones and pads. They made the employees get down on the floor and zip tied their hands and feet. They then took the employees personal phones and some form of identification. They then told the employees that they now know where the employees live. They took approximately \$128,000.00 worth of electronic devices and fled the establishment to a waiting vehicle driven by Breon Berry.

On or about April 2, 2016, the co-conspirators agreed to rob an AT&T store located on Harbortowne Parkway, Suffolk, Virginia. Brice Keeling, Kendrick Perry, and Corey Holmes approached the front of the store. The employees had previously seen an automobile driving by the store several times that fit the description of an automobile used in previous AT&T robberies. As a result, the employees locked the front door. The employees observed the co-conspirators approaching the front of the store wearing masks and brandishing what appeared to be firearms. When the co-conspirators realized the front door was locked they fled the scene and got into a waiting automobile driven by Breon Berry.

On or about April 7, 2016, the co-conspirators agreed to rob an AT&T store located at Hilltop West Shopping Center, Virginia Beach Boulevard, Virginia Beach, Virginia. Brice Keeling and Corey Holmes entered the store wearing masks and brandished what appeared to be firearms at the employees. They demanded access to the unsold electronic devices to include cellphones and pads. They made the employees get down on the floor and zip tied their hands and feet. They then took the employees personal phones and some form of identification. They

then told the employees that they now know where the employees live. They took approximately \$150,000.00 worth of electronic devices and fled the establishment to a waiting vehicle driven by Breon Berry. As they fled the scene a nearby construction worker recorded the license plates of the fleeing vehicle and provided the information to the police.

The police ran the tags and they came back to Breon Berry as the owner of the vehicle. Breon Berry was arrested and in a *Mirandized* statement he confessed to his involvement in the robbery conspiracy and named his co-conspirators to include Brice Keeling, Kendrick Perry and Corey Holmes. Brice Keeling and Kendrick Perry were arrested in Columbia, South Carolina as they attempted to sell the electronic devices to a third party. They were still in possession of many of the electronic devices from the last robbery and a mask used in the robbery. In a *Mirandized* statement both Mr. Keeling and Mr. Perry confessed to their involvement in the robbery conspiracy. Corey Holmes was arrested at his residence and in a *Mirandized* statement he also confessed to his involvement in the robbery conspiracy.

The robbery of the above-mentioned commercial establishments affects commerce as defined in 18 U.S.C. § 1951(b)(3) as each location robbed was a commercial establishment selling goods that had traveled in interstate commerce.

The evidence in this case is based on surveillance videos, employee's testimonies, police reports, *Mirandized* statements of the defendants, and witness testimony.

These events occurred in the Eastern District of Virginia and elsewhere.


DANA J. BOENTA
UNITED STATES ATTORNEY

By:

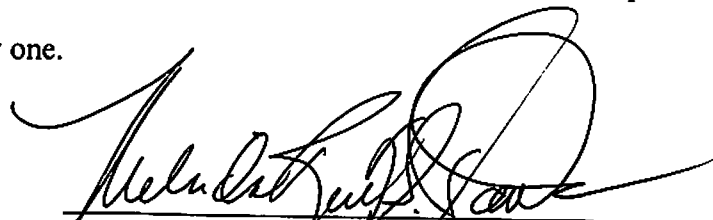


William D. Muhr
Assistant United States Attorney

Defendant's Signature: After consulting with my attorney and pursuant to the plea agreement entered into this day between myself, the United States and my attorney, I hereby stipulate that the above Statement of Facts is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.


BREON BERRY
Defendant

Defense Counsel's Signature: I am the attorney for BREON BERRY. I have carefully reviewed the above Statement of Facts with him. To the best of my knowledge, his decision to stipulate to these facts is an informed and voluntary one.


Melinda Ruth S. Glaubke, Esq.
Counsel for Defendant